



P/16-347

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ahihiro HORII, et. al.

Date: January 19, 2005

Serial No.: 10/727,302

Group Art Unit: 2877

Filed: December 2, 2003

Examiner: Hwa S. LEE

For: RAPID DEPTH SCANNING OPTICAL IMAGING DEVICE

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**  
**REMARKS/ARGUMENT**

Applicant responds herein to the Restriction Requirement dated December 21, 2004.

Applicant elects the invention of Species (1) identified as the specifics an optical imaging device comprising an optical length variation system comprising a spectrum dispersion element, a light introducing block, a phase modulator, a spectrum reuniting element, and a light pick up block, wherein the phase modulator is realized with a wedge prism made of light-transmissive material comprising a first embodiment corresponding to Figs. 1 through 9. The claims readable on this species are identified as claims 1, 2, 3, 4, 5, 7 and 8.

Applicant reserves the right to file a divisional application directed to the subject matter covered in the non-elected claims.

Early and favorable consideration of the present application is earnestly solicited.

If this communication is filed after the statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 19, 2005

Max Moskowitz, Esq.

Name of applicant, assignee or  
Registered Representative

Signature

January 19, 2005

Date of Signature

Respectfully submitted,

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